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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD (PARTIAL)* OF THE 616th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 15 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

OPENING OF THE SESSION

ADOPTION OF THE AGENDA

SUBMISSION OF REPORTS BY STATES PARTIES

* No summary record was prepared for the rest of the meeting (closed).

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GE.00-42204 (E)

The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the twenty-fourth session of the Committee, emphasizing that the session would have a particularly full schedule, as the Committee would be considering nine reports so as to reduce its backlog. The Committee would devote a meeting to the strengthening of cooperation with various competent bodies and would discuss its methods of work at a closed meeting. It would also consider the implementation, in the five years since their adoption, of the Beijing Programme of Action and the Copenhagen Programme of Action and discuss the World Conference against Racism, for which a preparatory committee had recently held its first meeting, with the Committee represented by Mr. Doek.

2. Mr. GAHAM (Office of the High Commissioner for Human Rights (OHCHR)) emphasized that at its recent session, the Commission on Human Rights had adopted the two draft optional protocols to the Convention on the Rights of the Child relating respectively to the involvement of children in armed conflicts and the sale of children, child prostitution and child pornography. Both draft protocols provided for appeals procedures before the Committee.

3. At the same session, the Commission had also approved the establishment of a post of special representative on the situation of human rights defenders, who might be called upon to consider the rights of the child, and of two rapporteurs' posts: one on the right to adequate housing and the other on the right to food. Both those rights fell within the remit of article 27 of the Convention.

4. The general comment on the content of education which the Committee was in the process of drafting would be a useful contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

5. At the beginning of the year, OHCHR had launched its first appeal to donors, a practice that subsequently would be carried out annually, in which a comprehensive Plan of Action to support the work of the treaty bodies which met in Geneva had received a good deal of attention. The comprehensive Plan of Action had been inspired to a great extent by the Plan of Action which had been adopted by the Committee on the Rights of the Child and which had broken fresh ground in that field. The comprehensive plan was aimed at ensuring more coherence and a better distribution of resources in the operation of the treaty bodies.

6. The administration of juvenile justice systems would be one of the priorities of OHCHR, which would organize an experts' workshop on the subject in 2002.

7. OHCHR was carrying out several other activities directly linked with the Committee's concerns. In particular, it was providing support for the creation of national human rights protection and promotion institutions, which had a role to play in the promotion of the rights of the child.

8. Concerning the amendment to article 43 of the Convention, only 76 States parties had proceeded with ratification. An effort had to be made to secure the 44 additional ratifications necessary for it to become effective.

9. The CHAIRPERSON noted the lack of significant progress with regard to that amendment, as only four States parties had ratified it since the previous session of the Committee. New efforts were required to raise the number of Committee members from 10 to 18 as quickly as possible.

10. Mr. DOEK asked what consequences the comprehensive Plan of Action would have for the Committee, and what kind of support OHCHR intended to provide to it.

11. Mr. GAHAM (OHCHR) explained that the spirit and letter of the comprehensive Plan of Action were primarily intended for the three committees which had themselves not yet adopted a plan of action: the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture. The aim of the comprehensive Plan of Action was to establish a link between the activities of all the committees and to ensure cooperation both among the treaty bodies, and between them and other mechanisms.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/95)

12. The agenda was adopted.

SUBMISSION OF REPORTS BY STATES PARTIES (agenda item 3)

13. Mr. DAVID (Secretary of the Committee) said that, since the Committee's previous session, initial reports had been received from Uzbekistan, Kenya, Mauritania, Cameroon and Greece, and that Romania, the Czech Republic, Italy, Iceland, the Republic of Korea and Viet Nam had submitted their second periodic reports. That brought the number of reports received to 183, including 146 initial reports and 37 periodic reports. The Committee had considered 118 reports; 48 initial reports and 95 periodic reports due to have been submitted had still not been received.

The discussion covered in the summary record ended at 10.35 a.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 617th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 16 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Islamic Republic of Iran (continued)

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GE.00-42242 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Islamic Republic of Iran (CRC/C/41/Add.5; CRC/C/Q/IRA/1; written replies of the Government of the Islamic Republic of Iran to the questions of the Committee (document without a symbol distributed in the meeting room in English only); written replies to questions 27 and 28 of the list of issues (document without a symbol distributed in the meeting room in English only)) (continued)

1. At the invitation of the Chairperson, Mr. Khorram, Mr. Zangeneh, Ms. Choubak, Ms. Mosaffa, Mr. Cheraghchi, Ms. Kouhestani, Mr. Tabatabaie, Mr. Amin-Mansour, Mr. Ghods, Ms. Tahiri, Mr. Roshandel, Mr. Safahi, Mr. Mir-Mohammadi and Mr. Hosseini (Islamic Republic of Iran) took places at the Committee table.

2. Mr. KHORRAM (Islamic Republic of Iran) said that over half of the Iranian population was under 18 years old and that a large part of the activities of the public authorities and of private bodies was devoted in one way or another to the different aspects of children's lives. The best interests of the child were taken into consideration at all levels when the budget was planned, drawn up and disbursed, and all means were used for the promotion of the rights of the child in the social, economic, cultural and political spheres.

3. Iran, which received most of its resources from oil exports, dedicated over 20 per cent of its budget to children's services and never sought to reduce such allocations, even when the price of oil fell and the country faced serious financial difficulties.

4. Article 9 of the Iranian Civil Code stipulated that when the country acceded to an international instrument the provisions of that instrument took precedence over domestic legislation. That was the case for the provisions of the Convention on the Rights of the Child, which could be invoked directly in court. In accordance with the Constitution, several national bodies had been assigned the task of following up on and comprehensively implementing the Convention. In particular, the Article 90 Commission of the Islamic Consultative Assembly received and considered all complaints; the Supreme Court was responsible for the follow-up and full application of laws by courts of first instance; the Court of Administrative Justice considered complaints filed by individuals of violations of the law by the administrations; and the State Inspection Unit monitored the application of the law by the administrations.

5. The situation of Iranian children had improved greatly in many fields, including health, education and the law. In the report on its cooperation programme with Iran, the United Nations Children's Fund (UNICEF) had pointed out that the country had achieved nearly all the objectives it had set during the World Summit for Children for the year 2000.

6. Thanks to the efforts made by all the services concerned, including the Ministry of Health and Medical Education and the Budget and Planning Organization, considerable progress had been made in the field of health: vaccination and schooling rates at primary schools currently exceeded 90 per cent. The infant mortality rate had fallen to 26 per 1,000 live births, the child mortality rate for children under five had declined to 35 per 1,000 live births and the maternal

mortality rate had been brought down to under 40 per 100,000 live births. Over 85 per cent of births took place at health establishments with the assistance of trained birth attendants. Nearly all children both in rural and urban areas had access to health and education services. Thanks to respect for Islamic values, the mistreatment and economic and sexual exploitation of children were very rare in comparison with other countries.

7. The enrolment ratio of girls in primary education had increased from 86.3 per cent in 1990 to 94.5 per cent in 1998, a rise of some 8.3 percentage points. For boys it had risen from 92.4 per cent to 96.8 per cent, an increase of 4.4 percentage points. In 1999, 56 per cent of students at Iranian universities were women. Those figures testified to the Government's desire to improve education of children in general and of girls in particular. In order to achieve such results, the Government had opened schools in the least populated villages, given priority to the recruitment of local teachers, gradually set up separate classrooms for girls and boys, made the population aware through the media and religious leaders of the importance of education, and furnished free meals at schools in remote and disadvantaged areas.

8. The students at each secondary school in the major cities elected a "school mayor" to represent them with the school administration and to cooperate with it in various fields (for example, in maintaining discipline and in consultations). Young persons could from the age of 15 become members of the National Centre for Youth, which fostered dialogue among adolescents. A consultative assembly of children and youth had been set up on an experimental basis in Kurdistan in 1998. Its members, who were elected by the students of the secondary schools, cooperated with the Governor, who was obliged to receive them every month to consider the main problems encountered by youths. The experiment had had such encouraging results that it was planned to expand it to all the country's provinces.

9. Numerous national bodies, including the Ministry of Islamic Guidance, the Islamic Human Rights Commission, Iranian radio and television and individuals - film directors, artists, teachers - had made enormous contributions to public awareness activities, and by so doing had helped to achieve the objective of ensuring children's rights.

10. There was no specific mechanism for the collection of data concerning children. The relevant information was collected and analysed by the various ministries (including the Ministry of Health and Medical Education and the Ministry of Culture and Higher Education, as well as the Iranian statistics office, the public registry service and the Budget and Planning Organization. However, the Government was planning to set up a service under the Office of the President to collect and analyse data and to plan and follow up on all political, social, economic and cultural programmes for children, including monitoring of the application of the Convention.

11. Iran, in which numerous ethnic and religious minorities had always lived together in harmony, was undertaking to eliminate all forms of discrimination. The Constitution recognized that all Iranians were entitled to enjoy all fundamental rights without regard to their sex, colour, religion, race, ethnic origin or language. Followers of the four religions recognized by the Constitution (Muslims, Christians, Jews and Zoroastrians) elected their representatives to Parliament, where the non-Muslim minorities were in fact over-represented so as to ensure better protection of their rights. Those minorities were able to educate their children in their own language and religion or could send them to ordinary schools. In addition, the Iranian

Government had taken new steps to strengthen the fundamental rights of all religious minorities, including those which were not among the four officially recognized faiths. The Council of Expediency had adopted a series of regulatory provisions concerning the rights of citizens which gave pride of place to the principle of equality before the law and in the exercise of social and political rights of all Iranians, including children.

12. Located on the main transit route for narcotics coming from Afghanistan, Iran had in the past 20 years spared no effort in assigning human and financial resources to stem the flow of illegal drugs into its territory. It had on numerous occasions requested the assistance of the international community, and in particular of consumer countries, to combat that phenomenon, which represented a serious threat for its population, including children. It hoped the Committee would support that request, which had so far not elicited a satisfactory response.

13. The CHAIRPERSON noted that the form of the initial report generally followed the guidelines drawn up by the Committee, but that it did not include a section on general protection measures. As for the content, the report was not sufficiently critical; it was based entirely on the legislation and did not point to the difficulties encountered in applying the Convention, although the information in the written replies to the list of issues and in the oral presentation of the report compensated somewhat for that shortcoming. Furthermore, Iran so far did not appear to be considering the withdrawal of the general reservation which it had filed, invoking its will strictly to apply the Shariah.

14. Mr. DOEK noted with satisfaction that despite the difficulties which it had encountered, the Islamic Republic of Iran had made some considerable progress, in particular in the fields of education and health, and had achieved nearly all the objectives enumerated in the Plan of Action adopted at the World Summit for Children. On the other hand, since Iran was not intending to withdraw its reservation concerning the application of the Convention, could the Iranian delegation give more precise information on the meaning of that reservation by citing provisions or articles of the Convention which were at variance with Islamic law and the legislation in force?

15. Furthermore, it would be useful to know to what extent children could invoke the laws and the Constitution when their rights were violated. Could they exercise remedies as referred to in paragraph 54 of the core document? Could they at their own initiative bring a case before a court or another appropriate body in the justice system, and were they given legal counsel?

16. Mr. FULCI noted that the report dealt mainly with legislative provisions, without presenting a critical evaluation of the situation of children in the country and without providing sufficient information on observance of the principle of non-discrimination, on the civil rights of children and in particular their freedom of expression and of religion, and on the administration of justice.

17. The report appeared to present children from a paternalistic point of view, while the Committee considered that children must play an active role in human rights. From the historic standpoint, Shiite Islamic law, which Iranian legislation codified, and upon which it was to a great extent based, had been very innovative in protecting children a few centuries before, but its rules had changed very little since that ime. It would therefore be desirable to find out whether

the Islamic Republic of Iran intended to withdraw its reservation concerning the Convention so as to permit the rules of international law, which it had accepted, to prevail over those of domestic law, whether a committee had been set up for that purpose and what conclusions it had drawn.

18. The report contained no information on international development cooperation, although it was relatively extensive in the country. Some supplementary information on international and bilateral aid given to Iran and on the extent to which international cooperation facilitated the application of the Convention would be most welcome.

19. Ms. EL GUINDI asked how the activities of the numerous organizations dealing with children's issues were coordinated in Iran and how cooperation and coordination with non-governmental organizations (NGOs) was carried out. Had any mechanisms been set up to collect and analyse data and indicators relating to children? Since the domestic law and the Shariah stipulated that boys and girls were equal, had any measures been taken to prevail over tradition and protect the rights of girls, in particular in respect of early marriage, education, health care and recreational activities?

20. Mr. RABAH said he had noted in 1995 that certain NGOs working with children in Iran had been the subject of some reservations, and asked what the situation was five years later. Had NGOs cooperated and coordinated their work with government bodies, in particular in drawing up the report? The report did not refer to any plan of action or strategy for the next decade. Did the Government intend to bring domestic law into line with the Convention? What share of the national budget was earmarked for children's programmes? Was there specific legislation covering juvenile offenders?

21. Ms. TIGERSTEDT-TÄHTELÄ felt that the issues of gender equality and the rights of each child were not sufficiently covered in the report and the written replies. Iran apparently still had no single mechanism to monitor observance of the rights of the child. Was there a coordinating office for the various bodies dealing with that question? Had the financial situation of the country improved since the price of oil had risen? What portion of the national budget was attributed to health, education and social protection?

22. Ms. KARP said she was very concerned about the reservation that Iran had made regarding the Convention, in particular because it appeared to reflect a lack of understanding of its impact on the everyday life of children. How did children accept the idea that their rights were restricted by the Shariah? Had any consideration been given to setting up a committee to determine whether it would be possible to follow the example of other Islamic countries and to interpret the Shariah more liberally?

23. Some legislative texts had reportedly been amended, and in particular an article of the Civil Code had been changed so that women could in some circumstances retain custody of their children when it was in their best interests. Had any steps been taken to make those amendments known to the public, including children? Were the Convention and human rights in general taught as part of the school curriculum, and if not, were any measures planned toward that end?

24. In general, the Islamic Human Rights Commission dealt with such rights. Were there any plans to give it a specific role with respect to the rights of the child? Could the Iranian delegation provide examples to illustrate how that Commission dealt with children's complaints? Could it act as a mediator and contribute to the overall improvement of policies and practices relating to children?

25. Lastly, had any measures been considered to eliminate the discrepancy between the age for mandatory schooling and the age from which children were authorized to work? There was still discrimination between boys and girls with respect to the age of criminal liability and the legal age for marriage. What was the logical basis for such discrimination?

26. Ms. MOKHUANE asked what measures had been taken to make the Convention known in society. What were the children's views with regard to the Convention which addressed their rights? It appeared that there was little coordination in the application of the Convention. No national plan had been established for its implementation. Had civil society, the media and children taken part in its implementation?

27. Ms. RILANTONO commended Iran for its success in the field of health, and in particular in regard to vaccinations. Had an effort been made to ensure community participation so that the progress it had made would endure? Could the Iranian delegation provide more precise information on the way in which the implementation of children's rights was supervised?

28. Mr. DOEK asked whether the Islamic Human Rights Commission was empowered to take binding decisions, in particular with respect to compensation for victims of human rights violations. Certain information suggested that magistrates were not sensitive to women's and girls' opinions and preferred to take the opinions of men into consideration. Had a strategy, a policy or a plan been drawn up to make the Convention and its meaning systematically known to magistrates?

29. The CHAIRPERSON asked for more information on the training given to specialists who dealt with children's issues.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

30. Mr. KHORRAM (Islamic Republic of Iran), noting the negative appraisal expressed by some Committee members of his country's reservations to the Convention, emphasized that, in any country with a large bureaucracy, time was needed to approve or adopt decisions. The Iranian authorities had consulted and were continuing to consult various governmental organizations and NGOs on the subject of the Convention, and their position was not set in stone. From the examination of the compatibility of the Convention with both domestic and Islamic law, no fundamental contradictions had so far emerged, and Iran would make its definitive position known once that examination process had drawn to an end.

31. Ms. CHOUBAK (Islamic Republic of Iran) pointed out that a meeting had been held at the Office of the Prosecutor General with eminent magistrates and legal specialists to consider the Convention in detail and compare each of its articles with the provisions of domestic law, in particular in respect of the situation of women. That process, which also included the

participation of the UNICEF representative in Iran and the representatives of administrations involved in work with children such as the police and rehabilitation services, was still under way and should very soon achieve some concrete results. It already appeared that the Convention's provisions were in no way incompatible with domestic law.

32. Concerning the application of the article of the Civil Code which had been amended two years previously, she recalled that all laws were published in the Official Journal after consideration, adoption or ratification by the Islamic Consultative Assembly and the Council of Guardians. Furthermore, the article in question was very often invoked by the courts.

33. Mr. ZANGENEH (Islamic Republic of Iran) said that under article 220 of the Code of Civil Procedure a child or adolescent could be represented by a lawyer before a criminal court. If the parents were unable to provide a lawyer for the child owing to financial or other constraints, the child was assigned a court-appointed lawyer. The presence of a lawyer was mandatory at all stages of the procedure. The Iranian Penal Code stipulated that minors had no criminal liability. The cases of offenders under 18 were sent to a specialized court where they were represented by their parents, a lawyer or a social worker, and which took into consideration the health, psychological status and general situation of the defendant when handing down its ruling.

34. Mr. KHORRAM (Islamic Republic of Iran) said that the coordination of the various government bodies responsible for collecting and processing data was carried out by the Planning and Budget Organization, which was under the authority of the President, but that each body individually collected and analysed its own data, which it then submitted to that institution. The third five-year plan called for the establishment of an office for children's affairs, which would also be under the supervision of the Office of the President.

35. His country was in favour of any bilateral or international aid which could assist in the application of the Convention, and maintained excellent relations with UNICEF, the United Nations Development Programme (UNDP) and other organizations. Iranian magistrates and academics had taken part in discussions concerning the Convention and youth at two workshops held by UNICEF in the past two years, respectively in Austria and Switzerland.

36. While he was unaware of the relations with NGOs in 1995, he emphasized that in Iran there were currently some very active and well-organized NGOs working for women and children, which operated without any hindrance. The very powerful Human Rights Commission cooperated with various NGOs. The Commission and such organizations sometimes criticized the public authorities and brought pressure to bear on them to increase the share of the budget allocated to children.

37. Ms. KOUHESTANI (Islamic Republic of Iran) pointed out that nearly half of the State budget was allotted to social spending, education and health, all of which directly concerned children.

38. Ms. MOSAFFA (Islamic Republic of Iran) emphasized that NGOs, and those which catered for children in particular, had an increasingly important place in Iranian society. Such organizations were systematically consulted by State bodies. They cooperated with the

ministries concerned and took part in planning seminars, offering scientific advice. As the Convention stipulated that children should be able to meet and form associations, organizations composed of children themselves were another valuable resource. The Iranian United Nations Association for its part held many activities and took part in the implementation of several projects. A national seminar which was to include children was soon to be held in cooperation with UNICEF.

39. In cooperation with UNDP, the University of Tehran was currently carrying out a rights of the child programme under which children's awareness workshops were to be scheduled for December 2000 with the aim of translating the rights of the child into reality in the Islamic Republic of Iran. Another project had the objective of strengthening international cooperation in the field of human rights, and in particular the rights of the child.

40. Mr. TABATABAIE (Islamic Republic of Iran) said that many NGO groups worked in cooperation with the Social Protection Organization, for example in providing pre-school education, caring for disabled children and protecting disadvantaged children. The organization was responsible for meeting the needs of such charitable associations by setting out criteria, standards and tools governing their activities.

41. The Social Protection Organization had also made available two emergency hotlines to allow victims of child abuse to file complaints and receive support services. In addition, it had taken on a team of specialists, supported by legal advisers, who provided services specifically for children, helping them find a place in the family environment and ensuring that the perpetrators of child abuse would be prosecuted. Sentences had already been handed down in that type of case.

42. Mr. KHORRAM (Islamic Republic of Iran) pointed out that while disparities had traditionally existed between boys and girls, in particular in the countryside, the Iranian State and society were endeavouring to reduce them. Primary and secondary education were thus mandatory for all Iranian children, whether they were boys or girls. In fact, there were more women than men enrolled in higher education. Generally speaking, there were no major disparities between boys and girls which would justify specific action by the public authorities.

43. There were numerous publications for children, and Iran had some very young artists and intellectuals, such as the 20-year-old movie-maker whose second film was in the running for the prize of best film at Cannes.

44. Mr. DOEK urged the Iranian Government to reconsider the age of maturity in its definition of the child, which stood at 14 years, 7 months for boys and 8 years, 9 months for girls. That discrepancy was discriminatory against girls in terms of legal liability and the age for marriage.

45. He asked for statistics concerning the number of children born out of wedlock and their single mothers. Was there a procedure to establish paternity? How did the State party intend to solve the problem of discrimination against children from unrecognized religious minorities such as the Baha'is, and undeclared refugee children?

46. Ms. KARP asked whether boys over the age of 14 and girls over 8 were indeed legally liable, and if so whether they could, as adults, be sentenced to death. Had children under the age of 18 received the death penalty? Did the Islamic Republic of Iran plan to bring its legislation into line with the provisions of the Convention prohibiting the death penalty for children?

47. Iranian legislation apparently provided no penalty for a person who raped a child unless the offending party was a married man, and before receiving compensation from the rapist the victim's family was obliged to pay a certain amount to the perpetrator. She had also heard that in cases of infanticide a mother would be subject to the death penalty but a father would not run the risk of any punishment at all. Did the delegation consider such discriminatory provisions compatible with the obligations of the State party to protect the physical integrity of the child as set out in the Convention?

48. Were there plans to organize other conferences such as the one held in 1998 on children's participation? Had the opinions and ideas expressed by the children who had attended that event been followed up in any way?

49. Lastly, the conditions for child custody, which gave more weight to the responsibility of the father, should be reviewed, taking into consideration the best interests of the child, in particular in cases of remarriage or emigration of the mother.

50. Ms. MOKHUANE asked what criteria served as a basis for establishing the primacy of the father's responsibility, which was at variance with the provisions of the Convention. How were the best interests of the child defended if the father, who had custody, was not responsible in his conduct? Did the mother have the opportunity to appeal to a court to defend her rights? It would be useful to have statistics on the number of children for whom custody had been given to the father.

51. Mr. RABAH asked how the Iranian Government planned to solve the problem of discrimination, which affected women from the very beginning of their lives.

The meeting rose at 1 p.m.